

2026.PHHC.028852



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-72027-2025

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	24.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jaswinder Singh Rana, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant petition is filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking
grant of regular bail in case bearing FIR No. 121 dated 22.06.2024 registered
under Sections 22 and 27(A) of Narcotic Drugs and Psychotropic Substance
Act, 1985 (for short ‘NDPS Act’) (Section 29 of NDPS Act, added later on)
at Police Station Ajnala, District Amritsar.

2. As per the allegations, on the intervening night of 21/22.06.2024,

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a barricade was laid by the police official at Saidogazi Gurdwara Choke point. One motor bike came from village Sahiwal side. The occupants of the same were given signal to the stop. On asking they disclosed their names as Major Singh and Joga Singh and on conducting search, 1010 tablets of tramadol hydrochloride, currency notes of Rs. 8810/- and one cell phone were recovered from their conscious possession which were taken into possession by the police. The petitioner and co-accused were formally arrested. On interrogation, the petitioner disclosed that he had purchased the recovered intoxicating tablets from the co-accused-Sukhchain Singh. Investigation now stands completed. The previous petition of the petitioner has been dismissed as withdrawn.

3. In this second petition, it is argued by the learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.06.2024. The trial will take considerable time to conclude. He has clean antecedents. Similarly situated co-accused Joga Singh has been extended the benefit of bail. On parity, he too deserves to be extended the same benefit. It is, thus, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. Intoxicating tablets of tramadol hydrochloride were recovered from his conscious possession. There is no substantive or drastic change in circumstances ever since the dismissal of his previous petition. There are chances of his absconding or committing similar

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offences, if extended benefit of bail. It is, thus, argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is in custody for a period of about one year and eight months. None out of 23 prosecution witnesses has been examined so far. Obviously, the chances of conclusion of trial in the near future are bleak. There is nothing on record to show that delay has been attributed to the petitioner. It is well proposition of law that each day spent by an accused in custody extends a cause of action to him to seek concession of bail. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, this court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial

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Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |